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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,217	04/28/2005	Shinsuke Suzuki	3400.P1420US	1388
23474 7590 04/27/2007 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			EXAMINER THERKORN, ERNEST G	
			ART UNIT	PAPER NUMBER
			1723	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/533,217

Applicant(s)

SUZUKI ET AL.

Examiner

Ernest G. Therkorn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Francotte (WO 97/04011). The claims are considered to read on Francotte (WO 97/04011). However, if a difference exists between the claims and Francotte (WO 97/04011), it would reside in optimizing the elements of Francotte (WO 97/04011). It would have been obvious to optimize the elements of Francotte (WO 97/04011) to enhance separation.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francotte (WO 97/04011) in view of Voute (WO 99/51316). At best, the claim differs from Francotte (WO 97/04011) in reciting use of gamma radiation. Voute (WO 99/51316) (page 10, line 29-page 11, line 8 and page 14, lines 1-6) discloses that gamma radiation

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may be used to crosslink polysaccharide derivatives. It would have been obvious to use gamma radiation in Francotte (WO 97/04011) because Voute (WO 99/51316) (page 10, line 29-page 11, line 8 and page 14, lines 1-6) discloses that gamma radiation may be used to crosslink polysaccharide derivatives.

Claims 1-5 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288. PTO Translation No 04-4002 of Japan Patent No. 2001-296288 will serve as a translation of Japan Patent No. 2001-296288. The claims are considered to read on Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288. However, if a difference exists between the claims and Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288, it would reside in optimizing the elements of Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288. It would have been obvious to optimize the elements of Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288 to enhance separation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288 in view of Francotte (WO 97/04011). At best, the claim differs from Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288 in the clarity of reciting the compound contains no polymerizable unsaturated groups. Francotte (WO 97/04011) (the sentence bridging pages 2 and 3)

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discloses that it is of special importance to have no polymerizable double bonds prior to crosslinking. It would have been obvious to have no polymerizable unsaturated groups in Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288 because Francotte (WO 97/04011) (the sentence bridging pages 2 and 3) discloses that it is of special importance to have no polymerizable double bonds prior to crosslinking.

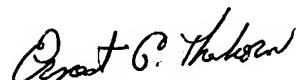
Claims 1-5 are rejected under 35 U.S.C. 102(E) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohnishi (U.S. Patent No. 6,736,967). The claims are considered to read on Ohnishi (U.S. Patent No. 6,736,967). However, if a difference exists between the claims and Ohnishi (U.S. Patent No. 6,736,967), it would reside in optimizing the elements of Ohnishi (U.S. Patent No. 6,736,967). It would have been obvious to optimize the elements of Ohnishi (U.S. Patent No. 6,736,967) to enhance separation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi (U.S. Patent No. 6,736,967) in view of Francotte (WO 97/04011). At best, the claim differs from Ohnishi (U.S. Patent No. 6,736,967) in the clarity of reciting the compound contains no polymerizable unsaturated groups. Francotte (WO 97/04011) (the sentence bridging pages 2 and 3) discloses that it is of special importance to have no polymerizable double bonds prior to crosslinking. It would have been obvious to have no polymerizable unsaturated groups in Ohnishi (U.S. Patent No. 6,736,967) because Francotte (WO 97/04011) (the sentence bridging pages 2 and 3) discloses that it is of special importance to have no polymerizable double bonds prior to crosslinking.

The remarks urge that the restriction and election of species are improper because claim 1 is patentable. However, claim 1 would appear to be anticipated by each of Francotte (WO 97/04011), Japan Patent No. 2001-296288 in view of PTO Translation No 04-4002 of Japan Patent No. 2001-296288, and Ohnishi (U.S. Patent No. 6,736,967).

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT
April 23, 2007